

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/015,881

**REMARKS**

Claims 1-36 are all the claims pending in the application, with claims 1, 7, 13, 19, 25 and 31 being in independent form. Claims 1, 7, 13-25, 27, 29-31 and 35-36 are hereby amended. No new matter presented.

In the Office Action, the Examiner objected to the claims and disclosure, rejected claims 1-36 under 35 U.S.C. § 112, second paragraph, and rejected claims 1-36 under 35 U.S.C. § 103(a) based on Irvin et al. (U.S. Patent Publication No. US 2002/0072917 A1, hereinafter “Irvin”) in view of Marui et al. (U.S. Patent No. 4,961,212, hereinafter “Marui”), further in view of Martinez et al. (U.S. Patent Publication No. US 2002/011880 A1, hereinafter “Martinez”). The objections and rejections are addressed as follows.

**Objections to the disclosure and claims**

The Examiner objected to the use of the term “voice recognition” in the claims and the disclosure and suggested that the term be changed to “speech recognition” to clarify that the content of what is being said is being identified. In response, Applicant submits herewith a substitute specification, together with a red-line version indicating the changes made, which incorporates the Examiner’s suggested change. Further, Applicant submits replacement Figures 1, 2 and 4 wherein corresponding changes to the drawings are made. Accordingly, withdrawal of the objection to the disclosure and claims is requested.

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**Claim rejections - 35 U.S.C. § 112, second paragraph.**

The Examiner rejected claims 1-36 as allegedly being indefinite for the use of “voice recognition” instead of “speech recognition”. Applicant has amended the claims as suggested by the Examiner. Thus, withdrawal of this ground of rejection is requested.

**Claim rejections - 35 U.S.C. § 103(a)**

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Irvin in view of Mauri, further in view of Martinez. This rejection is traversed at least for the following reasons.

Applicant notes that the present application claims a foreign priority date of December 25, 2000 based on JP 2000-393709. Further, Applicant notes that the effective date of the Irvin reference is December 11, 2000. Thus, Applicant hereby submits a Rule 131 Declaration demonstrating prior conception and diligence leading to constructive reduction to practice of the invention. In particular, Applicant submits the following:

1. An executed Declaration Under 37 C.F.R. § 1.131, which states that the invention was conceived prior to December 11, 2000 and demonstrates diligence from prior to December 11, 2000 to the date of filing JP 2000-393709;
2. A Notification of Employee’s Invention and Assignment with an invention report (Exhibit “A”), which was submitted to NEC CORPORATION, the assignee of the present application, prior to December 11, 2000;

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3. An English translation of the Notification of Employee's Invention and Assignment (Exhibit "B"); and
4. A record showing the dates of preparation of the preparation of the draft patent application, the review of the draft application, and the filing of the application (Exhibit "C").

Applicant submits that the foregoing documents clearly evidence conception of the invention prior to December 11, 2000 together with diligence from prior to December 11, 2000 to the filing date of the priority document of the present application, which occurred on December 25, 2000. Therefore, the Irvin reference is removed.

Accordingly, Applicant respectfully submits that claims 1-36 are allowable at least because the Irvin reference is removed from the 35 U.S.C. § 103(a) rejection and Marui and Martinez fail to teach all the limitations of these claims. Thus, allowance of claims 1-36 is requested.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**AMENDMENTS TO THE DRAWINGS**

**Please replace Figures 1, 2 and 4 with Replacement Figures 1, 2 and 4.**

Attachment: Replacement Figures